

Message Text

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17/71
ACTION EA-09

INFO OCT-01 ISO-00 PM-04 NSC-05 SP-02 SS-15 CIAE-00 INR-07

NSAE-00 L-03 OMB-01 PRS-01 DHA-02 ORM-02 /052 W
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P 120124Z AUG 76
FM AMEMBASSY MANILA
TO SECSTATE WASHDC PRIORITY 8764
INFO SECDEF WASHDC PRIORITY
JCS WASHDC
CINCPAC
CINCPACAF
CINCPACFLT
CINCPACREPPHIL SUBIC
CG 13TH AF CLARK

C O N F I D E N T I A L MANILA 12029

C O R R E C T E D C O P Y (CCY PARA ONE FIRST LINE)

CINCPAC ALSO FOR POLAD

FROM USDEL 199

E.O. 11652: GDS
TAGS: MARR, RP
SUBJECT: PHILIPPINE BASE NEGOTIATIONS: ASYLUM & REFUGE

REF: (A) STATE 198546, DTG 102347Z AUG 76
(B) MANILA 10806, USDEL 0148, DTG 230051Z JUL 76

1. US DEL UNDERSTANDS US POLICY ON REFUGE AND ASYLUM AND HAS DISCUSSED THESE TWO CONCEPTS WITH PHIL WORKING GROUP. IN FACT, THE TERM REFUGE WAS DELETED DURING WORKING SESSIONS AFTER PHIL REPS ACKNOWLEDGED THAT PARAGRAPH IN QUESTION DID NOT CONTEMPLATE DENIAL OF TEMPORARY REFUGE. ALSO THE TERM ASYLUM WAS AVOIDED BECAUSE OF ITS POLITICAL CONNOTATIONS.

2. WORKING GROUP ALSO DISCUSSED AT SOME LENGTH THE NEED
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FOR A PARAGRAPH ON THIS SUBJECT IN THE FIRST PLACE. HOWEVER, PHIL WORKING GROUP AFTER GIVING SERIOUS CONSIDERATION TO DELETING PARAGRAPH STATED IT WAS NECESSARY BECAUSE OF THE PERSISTENT RUMORS THAT CLARK AIR BASE WAS BEING USED TO

SPIRIT FILIPINOS OUT OF THE COUNTRY. THEY ADMITTED THAT SUCH RUMORS WERE PROBABLY APOCRYPHAL, BUT NEVERTHELESS BELIEVED BY MANY FILIPINOS AND RP NEEDED SOMETHING IN THE AGREEMENT REFLECTING US OBLIGATION.

3. ACCORDINGLY, WORKING GROUP PROCEEDED TO ATTEMPT TO RECONCILE US DRAFT (ART. XIV, PARA 13 - TABLED IN WASHINGTON BY SECRETARY KISSINGER ON APRIL 12 - AND RP DRAFT, ART. II, PARA 10 - TABELED BY PHIL PANEL IN BAGUIO ON JUNE 15, 1976) ON THIS ISSUE. THE WORKING THAT WAS FINALLY AGREED AD REFERENDUM WAS REPORTED REFTEL (B). THE AGREED DRAFT WAS ALSO APPROVED IN PLENARY AD REFERENDUM.

4. CONSEQUENTLY, WE HAVE A DRAFT ON THE TABLE DEVELOPED AS A RESULT OF BOTH GOVTS ACTION IN ADDRESSING THIS SUBJECT IN THEIR INITIAL TABLED DRAFT AGREEMENTS. AT THIS LATE DATE, US DEL IS RATHER MYSTIFIED AT INSTRUCTIONS CONTAINED IN REFTEL (A), NOT TO TABLE WHAT APPEARS TO BE A SATISFACTORY APPROVED PARAGRAPH ON THIS SUBJECT, WHEN IN FACT THE SUBSTANCE OF THE APPROVED PARAGRAPH IS ALREADY ON THE TABLE.

5. US DEL DOES NOT CONCUR THAT THIS SUBJECT IS SO IMPORTANT OR CONTAINS ANY TRADE-OFFS THAT IT SHOULD BE CONSIDERED AS A MAJOR PROVISION TO BE ADDRESSED AT THE LATER STAGES IN THE NEGOTIATIONS. ALSO, IT WOULD SEEM RATHER LATE IN THE GAME TO NOW HAVE SECOND THOUGHTS ABOUT ADDRESSING THIS ISSUE. THE ISSUE HAS BEEN ADDRESSED, JOINT WORKING LANGUAGE HAS BEEN DEVELOPED, BOTH DELEGATIONS HAVE APPROVED DRAFT AD REFERENDUM, AND PHIL WORKING GROUP KEEPS ASKING ABOUT THE STATUS OF THE PAPER; THEREFORE, WE SIMPLY CAN'T IGNORE OR WALK AWAY FROM IT FOR THE PRESENT AS SUGGESTED IN REFTEL (A).

6. ACTION REQUESTED: APPROVAL TO TABLE LANGUAGE CONTAINED IN REFTEL (A) ASAP.
SULLIVAN

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